

FINAL



WEARE BOARD OF SELECTMEN
MEETING MINUTES
July 31, 2006

PRESENT: HELEEN KURK, VICE CHAIRMAN; DONNA M. OSBORNE, SELECTMAN; JOSEPH M. FIALA, SELECTMAN; TOM CLOW, SELECTMAN

TOWN ADMINISTRATOR: Fred Ventresco

RECORDING SECRETARY: Cherry Palmisano

GUESTS: Robert Richards, Elizabeth Straw, Carl Knapp, Janet Brown, Donald Burke, Matt Casey, Robert Gordon, Jr., Melanie Gordon

5:00 p.m. Vice Chairman Kurk called the meeting to order.

1. PUBLIC PARTICIPATION – Ms. Elizabeth Straw read aloud the following letter:

The Weare Historical Society is concerned about the use and misuse of the Weare Town Hall and the apparent lack of a mechanism for checking up on those who use the facility.

Members of the Society who attend the Yoga Classes noticed in June that there was damage to the wall at the right of the stage, nails had been put into the woodwork around the stage, and bits and pieces of tape and crepe paper had been left on walls and ceiling fixtures. We spoke about this to Malcolm Wright who promptly repaired the damage and also cleaned the spotlight facing the stage. We also noted that the piano which has been at the right of the stage on the main floor was no longer there. It was not on the stage either. No one seems to know where or when it went or by whose authority. We know it was there last fall for Old Home Day and the Historical Society program in September and some people say also in January.

Some of us remember having two pianos at the hall-one on the stage and one on the main floor. Several years ago Doug Clegg and several local young men including my son, Bill Straw, moved the piano from the firehouse to the Town Hall. Doug felt it was a better instrument.

It is our understanding that anyone who wishes to use the Town Hall must go to the Town Office and sign out a key and pay a fee if required. A checklist of requirements for the use of the building is given with the understanding that it be filled out and returned with the key. In speaking with Merry Rice this morning I learned that a member of the Parks and Recreation Committee has a key to the building and lets people in who do not go through the usual procedure.

We strongly recommend that all requests for the use of the building go through the Town Office and that someone be designated to check on the building after its use. If conditions of the permit have not been met that person or group should be denied further use of the building and be billed for the cost of repairing any damage. The disposal of items purchased or donated should be reviewed by the Selectmen and as has been done in the past with the advice of the Historical Society.

Thank you in advance for your prompt consideration of our concerns.

On behalf of Weare Historical Society,

Elizabeth P. Straw, President

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Selectman Clow informed Ms. Straw the Selectman are currently working on a policy for the use of Town facilities. Vice Chairman Kurk said the reason PARC has a key to the Town Hall is because in the past they were in charge of the renting out of the Town Hall. They discussed contacting the schools to see if perhaps they had the piano, airing a notice on the cable channel and placing an ad in the Weare Free Press. Anyone having information regarding the piano is asked to contact Ms. Straw at 529-2316.

2. DEPARTMENT HEADS – Chief Richards informed the Board they will be asking Malcolm Wright to come into the Safety Complex to check a light. Chief Richards discussed the primary ambulance door and it does not close or open properly. Vice Chairman Kurk asked who installed the doors. Chicone Construction was the contractor of the building and they will check with them on who installed the doors in 2003.

Chief Richards told the Board the antenna on Tobey Hill was broken and then fixed without their knowledge around the same time Nextel was doing work at that location. He has contacted Nextel several times and has had no response and would like the Selectman's help to get this resolved. Chief Richards said the Fire Marshall is requiring a means of egress that he would like to include in the facility usage package.

Chief Richards discussed the radio cases and told the Board going back to the time they got the approval to get the radios he assumed the radios were all going to come with cases and they would have to pay \$65 for each radio to be programmed. Chief Richards said what happened was the State programmed the radios but did not include the cases. So instead of needing \$65 each for programming the radios out of the Capital Reserve Fund he is asking for 42 radio cases at \$55 each. Chief Richards said the Board of Fire Wards requires all radios to be in a case. Chief Richards said he will surplus the old radios, purchased in 2000, to the Highway Department. Vice Chairman Kurk asked how long these radios will last. Chief Richards said he has them scheduled in the CIP for replacement in 2016. Vice Chairman Kurk asked Chief Richards to call the State and ask why they gave out the radios without the cases, just in case they have them there. Chief Richards said he will send a letter to the Colonel asking why they did not come with cases. Mr. Ventresco will contact the Board of Fire Wards inquiring about the cases as well.

Selectman Clow moved, Selectman Osborne seconded the money previously approved from Capital Reserve to program the radios be used to purchase the 42 radio cases not to exceed \$55.00 per case. Passed 3-0-0.

Chief Richards said during the last 3 preventive maintenances at the base station they noticed it is starting to wear. Chief Richards was informed the life cycle of the base station is coming to an end and needs replacing it is scheduled to be replaced in 2008 it will cost \$20,00-\$22,000 to replace. Chief Richards mentioned the possibility of getting a grant from the State for the hilltop and base stations. Vice Chairman Kurk asked Chief Richards to contact the CIP immediately.

Chief Richards said the tanker is in service, the anticipated cost was \$225,000 with a final cost of \$218,190.28 to come out of Capital Reserve. Chief Richards mentioned the old tanker being transferred to the Highway Department so they did not receive the \$6,000 for the trade. Vice Chairman Kurk said the transfer of the tanker to the Highway Department was approved by DRA.

Vice Chairman Kurk said she heard the Fire Department received a check for \$800 from Wal-Mart and she doesn't remember hearing about it from Chief Richards. The \$800.00 grant will be used to purchase GPS units for the forestry and ambulance. Vice Chairman Kurk asked if there were any strings attached. Vice Chairman Kurk told Chief Richards before any grants are applied for the BOS needs to be contacted. A public hearing will be held to accept the grant.

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Mr. Carl Knapp told the Board they are struggling to move forward on the Abijah project because they need an easement to a small piece of land. Mr. Knapp said the land is not suitable for building and cannot be used for anything. The owner lives in Boston and owns quite a bit of land around the bridge location. Mr. Knapp said the piece of land is very small and is in the water most of the time. Mr. Knapp suggested the town purchase the land. The other option would be eminent domain, and the Board said they would never take anyone's land. Mr. Knapp said he has contacted the owner several times and the engineers have also tried to contact them. Mr. Knapp said the one time he did talk with the owner he told Mr. Knapp he has an issue with the Town of Weare and the ATV club. Mr. Knapp would like to send the owner another certified letter asking if he would be willing to sell the land at an appraised value. Mr. Knapp said the project cannot continue until they obtain this small piece of land through purchase or easement. Vice Chairman Kurk told Mr. Knapp he has their approval to send a certified letter to the land owner. It was discussed there is no structure on the landowners property.

Mr. Knapp said he spent the week with FEMA and informed the Board he is done with them as far as the roads are concerned. Mr. Knapp said he is meeting with CMA engineer who did the landfill cap and DES who regulates the landfill in the morning and asked Mr. Ventresco to attend as well. FEMA told Mr. Knapp the town of Weare was one of the worst hit in the area for road damage during the floods. Mr. Knapp said there are still numerous locations they need to repair before the winter.

3. CEMETERY TRUSTEES – Discussion of flooding problem at Oil Mill Cemetery and Collins Cemetery. Mr. Donald Burke informed the Board of the serious flooding problems at Oil Mill and Collins Cemetery and said the flooding has affected the head stones. Mr. Burke said at one point there were stairs to walk up to the cemetery and now you need to step down into the cemetery. Mr. Burke said he discussed the need to shift River Road over 5 feet. Mr. Burke said there is a law which states you cannot dig within 25 feet of a cemetery. Mr. Burke said Collins Cemetery on Reservoir Drive has been affected by flooding as well and has caused the stones to tip. Mr. Burke said they need a culvert and catch basin there. Mr. Burke said it will take approximately \$50,000 to repair both cemeteries and he will be presenting this to CIP Subcommittee. Mr. Burke said these cemeteries and walls are approximately 200 years old. Vice Chairman Kurk asked Mr. Burke the total money going to cemeteries from the CIP for 2006. Mr. Burke said for 2006 \$10,250 – Sugar Hill, 2007 \$14,500 Oil Mill, and 2008 \$14,700 Collins. There is \$18,391 in the budget for construction. Mr. Burke asked if they need the BOS approval to use that money. Vice Chairman Kurk said it will need to be approved by the Selectmen and then go through the Trustees of the Trust fund. Vice Chairman Kurk said the CIP committee puts together for the Board what they need to ask for in the 2007 warrant. Vice Chairman Kurk said Mr. Burke will need to shift some money around with the CIP Subcommittee and tell them the need they have now.

Mr. Knapp said it will probably cost \$35,000-\$40,000 to repair River Road. Mr. Knapp said there is a 66 foot right a way. Mrs. Janet Brown said she remembers President Nixon coming to christen the dam project on River Road. Mr. Knapp said the bridge was built about 50 years ago. Mr. Knapp said to move the road over will require a lot of fill and there is room just above the cemetery to get a culvert and structure to catch the water. Mr. Knapp said they will have to move the road 10 feet and there is 1 telephone pole that will need to be moved. Vice Chairman Kurk said they will have to have a separate warrant article to repair the cemetery. Mr. Burke said there is history in these cemeteries that need to be preserved.

Mrs. Janet Brown said as a young girl she spent many years going by the Oil Mill Cemetery and the beautiful granite steps and commented when she joined the cemetery trustees she felt it was tragic that the cemetery was in such despair. Mrs. Brown feels there are enough gravel operations in town that could be approached to donate gravel. She said Mr. Tony Sawyer brings 10 inmates to town 3 weeks a year and it only costs the Town of Weare their lunch. The inmates do stone work and repair and paint fencing. Mrs. Brown said Cutting Blade is doing an outstanding job and Mr. Burke has done a wonderful job. The Boy Scouts have made signs and Mr. Burke has made fencing to save the town money. The Townes family will be donating a \$1,000 worth of field

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stone. Mrs. Brown feels the people in town would want the money in the construction fund to be used to repair these cemeteries. Mrs. Brown just wanted to let the people of town know the work, efforts, and kindness given by some of the people of town. There are 51 cemeteries and burial grounds in the Town of Weare. Vice Chairman Kurk suggested the Cemetery Committee all be present to talk with the Trustees of the Trust fund.

Selectman Fiala joined the meeting at 6:40 p.m.

Vice Chairman Kurk moved, Selectman Clow seconded to enter into nonpublic session @ 6:45 p.m. pursuant to the authority granted in RSA 91-A:3II(a&b). A roll call vote was taken. Selectman Clow - yes; Selectman Osborne - yes; Selectman Fiala - yes; Vice Chairman Kurk - yes. Passed 4-0-0.

Vice Chairman Kurk moved, Selectman Fiala seconded to come out of nonpublic session @ 7:01 p.m. A roll call vote was taken. Selectman Clow - yes; Selectman Osborne - yes; Selectman Fiala - yes; Vice Chairman Kurk - yes. Passed 4-0-0.

Vice Chairman Kurk moved, Selectman Fiala seconded to hire Justin Johnson at \$12.00 an hour for the Highway Department. Passed 4-0-0.

Mr. Knapp told Selectman Fiala he put some gravel at the location of the new skateboard park. Mr. Knapp said the roller is at the location and they need another load of gravel. It is scheduled to be paved at the end of the week. Mr. Knapp said since he has been back from vacation he has not contacted the individual who offered to donate the asphalt and said it will be about \$3,000. Vice Chairman Kurk said she is curious to know when WMS has their skateboard park up and running when will it be converted into a basketball court. Selectman Fiala said basically they will have to see what kind of use it will have at that time. When the equipment is removed they will need to patch some spots. Mr. Knapp said in the future they will have to put down another inch of pavement for the basketball court. PARC feels a basketball court would be a great use of the space after the temporary skateboard park is removed. Mr. Knapp said he just needs the question of funding answered to move forward at this point for the skateboard park. Selectman Fiala said he will talk with the Trustees on Monday and inform Mr. Knapp of their decision.

Mr. Ventresco said Mr. Anderson from DRA told him the transfer of the tanker was legal. Selectman Clow said they should get something in writing to have on file stating it is legal to transfer vehicles from different departments. Vice Chairman Kurk said the worse case scenario would have to take \$6,000 from the Highway Department and move it to the Fire Department. Vice Chairman Kurk asked Mr. Knapp where the old Code Enforcement Vehicle was located. Mr. Knapp said it is at the Transfer Station. Mr. Knapp said he thought the Code Enforcement Vehicle, Red fire chief vehicle and generator from the fire station were out to bid. The Board was not aware of this.

4. MANIFESTS

Vice Chairman Kurk moved, Selectman Osborne seconded, to authorize the Board of Selectmen to sign Manifest and order the Treasurer to sign checks dated August 3, 2006. Passed 4-0-0.

Accounts payable	\$630,853.01
Gross Payrolls	<u>\$39,807.14</u>
Total	\$670,660.15

5. CORRESPONDENCE – Mr. Ventresco informed the Board the flash floods we had recently flooded the area down in the coffee room area and the Land Use Department. Mr. Ventresco said he spoke with Mr. Wright and the need to set a plan. Mr. Wright brought in his de-humidifier to help dry out the area. Mr. Ventresco said his suggestion would be to replace the door with a tight fitting door and he will discuss this with Chip Meany.

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Selectman Fiala said they need to approve the money for the water work at Chase Park and decide if it will come out of the CIP or the PARC budget. It was discussed Ms. Tina Pelletier discussed this with PARC and apparently took care of it. Selectman Fiala said there was an issue with a piece of the pump being removed from the lake by someone but now the problem is fixed.

Selectman Fiala asked the Board if the PARC Director, Jim Blouin should be at staff meetings. Mr. Ventresco said he hasn't really got a schedule in place yet but feels that if Mr. Blouin is going to report to him then he should be at the meetings but could make exceptions. The Board feels the decision should be up to Mr. Ventresco. Mr. Ventresco will speak with Mr. Blouin and discuss options.

The Board discussed the repair of the Welcome to Weare sign as you enter from Concord. Vice Chairman Kurk said Economic Development will take care of the sign.

Selectman Clow mentioned there were several emails on the funding of the intersection design.

Selectman Clow would like to have a future discussion on the Ethics Committee and their duties and members and who the Code of Ethics applies to. Vice Chairman Kurk said she believes there is a committee formed but does not know who is on the committee.

Mrs. Melanie Gordon, owner of the house in the center of town being restored, informed the Board they are very interested in adding sidewalks in the center of town and said they even have granite curbing to donate. Mrs. Gordon said they are doing work to the house in the center of town and were informed the utility work they did may now not be what the town wanted. Vice Chairman Kurk suggested Mrs. Gordon contact the Center of Town Advisory Committee, Paul Doscher and Tom Clow. Selectman Clow said they would like to leave Route 114 the way it is, remove the center island, and widen East Street slightly and relocate the telephone pole. Selectman Clow said he feels the State is looking into the plans for the intersection and not having 3 lanes in the center. Selectman Clow said the purpose of the Center Advisory Committee was to decide what the design would be if WMS moved from the center of town but now that it is there, they decided there was no need for the committee. Vice Chairman Kurk said they had 2 warrant articles that dealt with bike and pedestrian paths. Selectman Clow said Mr. George Malette had discussed with him his disappointment that bike and pedestrian paths were not included in the new WMS plans. Vice Chairman Kurk told Mrs. Gordon to contact Mr. Malette. Selectman Clow said they need to discuss pedestrian paths and whether or not that would complicate the issue.

Vice Chairman Kurk said everyone received an email informing them Mr. Rob Woodland met with DOT to discuss the outcome of the BOS meeting and share the alternate intersection design brought forth by the Board. The design is to eliminate the turning lane, relocate utilities, remove island, slight widening of East Street, remove existing crosswalk striping so it will not be a school crossing, preserve the flashing beacon and provide school flashing beacons on both ends of Rte. 114. DOT agreed to design revisions. The BOS needs to provide a letter to DOT through Woodland Design. Vice Chairman Kurk said she contacted Mr. Woodland to discuss the \$4,000. Mr. Woodland said the \$4,000 for the redesign was warranted because they need to go through the approval process again. Vice Chairman Kurk informed the Board the State is not requiring the Board to provide future assurances of the intersection. Vice Chairman Kurk said they still need to come up with the \$4,000 for the redesign fee. Vice Chairman Kurk said she will draft a letter for the Board members to sign to submit to Rob Woodland and DOT.

Selectman Clow said it was confusing to him not just where, but can they take the money out of the budget. Vice Chairman Kurk said possibly it can come out of the Highway budget or possibly from concerned citizens willing to donate funds. Vice Chairman Kurk said they need to have another meeting with the School Board to discuss the legal issue they are in with funding the redesign of the intersection. Selectman Fiala said in speaking

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with School Board members they felt the plans the engineers came up with are the plans that should be used. Selectman Fiala feels maybe the money could come out of Highway Budget as well because they have been so short of help and feels it would be appropriate to take the money out of there. Selectman Clow asked if they can as a Board transfer funds from Department to Department, they said yes. Selectman Clow said maybe they could look at the Selectman's line because Mr. Ventresco came on board later than they planned. Selectman Fiala said they had budgeted to have staff at the Highway Department so there is money there that was not spent.

Selectman Fiala said he has heard from many concerned citizens about the intersection. The Board discussed maybe the School Board could split the cost in half. Selectman Fiala feels they should make a formal request to the School Board for the money for the redesign. The School Board meets August 15 or 17 and the Board feels they need to get on the agenda. Selectman Fiala feels the ultimate decision on the road should come from the BOS. Vice Chairman Kurk said the final design needs to be on the school's letterhead because they hold the permit. Selectman Fiala said he was told by members of the School Board they want the BOS to make the decision on the road. Vice Chairman Kurk feels it is appropriate that the School Board needs to be kept informed of all decisions on the redesign. Vice Chairman Kurk said they have two dedicated Boards and they need to come together for the betterment of the town.

Selectman Clow said his perspective on the donation idea is not the way to go, because they are working to preserve the center of town and feels the money should come from the town or school budget. Vice Chairman Kurk does not want money to be the factor in the intersection not being safe for the whole town. Selectman Clow said if they find out there is no way of getting the money through the budget then maybe donations.

Vice Chairman Kurk will draft the letter. The BOS will all attend the School Board Meeting. Mr. Ventresco will contact the SAU to get the BOS on the agenda.

The Board discussed meeting with Paula Clemente, the State Assessor either September 5th or 18th.

The Selectman will hold a Coffee Hour on September 25, 2006 from 6-8 p.m. at the Safety Complex. Mr. Ventresco will contact the Safety Complex and then Selectman Fiala will post it in the papers. If the Safety Complex's schedule conflicts then the Coffee Hour will be held at the Town Hall.

Vice Chairman Kurk moved, Selectman Clow seconded to write a letter to Rich Radwanski at DOT stating why they need to have the alternate plan and then have the letter sent to Rob Woodland to be ready for the next Selectman's meeting. Passed 4-0-0.

Selectman Clow moved, Selectman Osborne seconded to approve the recommendation of Ian McSweeney as a full member of the Zoning Board with his term to expire in 2009. Passed 4-0-0.

Selectman Fiala moved, Selectman Osborne seconded to appoint Ian McSweeney as a representative to the Southern New Hampshire Planning Commission. Passed 4-0-0.

Selectman Fiala thanked Mr. Tim Galvin for his involvement and years of service to the ZBA and Southern New Hampshire Planning Commission.

Vice Chairman Kurk adjourned at 8:42 p.m.

6. ADJOURNMENT

A True Record.

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Cherry Palmisano, Recording Secretary